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Paper No. 18

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JUN 19 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of
Borts et al.
Application No. 09/091,605
Filed: June 16, 1998
Attorney Docket No. X-9872

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on June 17, 2002 (Monday), to revive the above-identified application.

The petition is **GRANTED**.

A final Office Action was mailed on December 19, 2000 ("12/19/00 final Office Action"), setting forth a 3-month shortened statutory reply period. Applicants did not file a response on or before March 19, 2001 nor obtain any extension of time under 37 CFR 1.136(a). Accordingly, the application became abandoned on March 20, 2001. A September 11, 2001 petition to revive under 37 CFR 1.137(b) was dismissed on January 15, 2002 for failing to meet the "reply" requirement of 37 CFR 1.137(b)(1).

The instant renewed petition encloses a Request for Continued Examination (RCE) and a "Response and Amendment with Request for Continued Examination under 37 CFR 1.114"¹ as reply to the 12/19/00 final Office Action, as well as a statement that the entire delay in filing the required reply from its due date until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. In addition, the \$740 filing fee for the RCE and the \$920 required for a 3-month extension of time for filing the instant petition have been charged to Deposit Account No. 05-0840 as authorized in the instant petition. The petition is thus granted. The application is hereby revived to maintain continuity with the RCE.

Receipt with the petition is also acknowledged for: a Supplemental Information Disclosure Statement (Supp. IDS),² an associate power of attorney, and a request to change the correspondence address for this application. The power of attorney and new correspondence address have been entered and made of record.

The application is being forwarded to Technology Center 1600 for review of the amendment and the Supp. IDS submitted with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The 37 CFR 1.114 "submission"; accompanied by an Exhibit A (Declaration of Anne Reifel Miller under 37 CFR 1.132).

² The \$180 for submitting the Supp. IDS has been charged to the same deposit account.